

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

11  
"SEE ATTACHED"  
11

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

Midland County; AND  
ADVANCED CORRECTIONAL  
HEALTHCARE, INC.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case: 2:20-cv-11708  
Judge: Borman, Paul D.  
MJ: Stafford, Elizabeth A.  
Filed: 05-18-2020 At 02:09 PM  
PRIS DANIEL SCOUTEN ET AL V MIDLAND COUNTY ET AL (SS)

Jury Trial: ☒ Yes ☐ No  
(check one)

**Complaint for Violation of Civil Rights  
(Prisoner Complaint)**

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

**In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.**

# Plaintiffs - Sign AND DATE

1. Daniel N. Scouter 101212	Dan N. Scouter Pro Se 5-17-2020
2. Kelvin W. Lyon 90394	Kelvin W. Lyon 5-17-2020
3. Daniel L. Brink 24214	Daniel L. Brink 5-17-2020
4. Joseph Tals	Joseph Tals 5-17-2020
5. Adam Dimond 101797	Adam Dimond 5-17-2020
6. Christopher Patton 910204	Chris Patton 5-17-2020
7. CORY O. DERRICK #103775	Cory O. Derrick PRO SE 5-17-2020
8. Douglas R Fox 25901	Doug Fox 5-17-2020
9. Trevor MacDonald	Trevor MacDonald 103780
10. Michael Scott Geer	Michael Geer
11. Tony M. Anderson #910972	Ty M. Anderson 5-17-2020 PRO SE
12. Andrew J Strey #903671	Andrew Strey 5-17-2020 PRO SE
13. Earl Roebuck 34099	Earl Roebuck 5-17-2020
14. RICHARD E. LABOY 0107	Richard E. Laboy 5-17-2020
15. Chere Samphoff 11298	Chere Samphoff 5-17-2020
16. Ryan Westendorf 35527	Ryan Westendorf 5/17/2020
17. Robert W. O'Dell 33635	Robert O'Dell Pro Se
18. Devon Newby 910935	Devon Newby 5/17/20
19. Christopher Williamson 907236	Chris Williamson 5/17/20
20. Manuel Gaerem Sr. 911043	Manuel Gaerem Jr 5/17/20
21.	
22.	
23.	
24.	
25.	

PRELIMINARY INJUNCTION FOR IMMEDIATE RELEASE OR TETHER BOND?

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name "SEE ATTACHED"

All other names by which you have been known:

ID Number

Current Institution

Address

MIDLAND COUNTY JAIL  
105 FAST ICE DRIVE  
MIDLAND, MICHIGAN 48642

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title  
 (if known)

Shield Number

Employer

Address

ADVANCED CORRECTIONAL HEALTHCARE, INC.  
HEALTH CARE PROVIDER  
N/A  
MIDLAND COUNTY  
3922 W. BAKING TRACE  
PEORIA, IL 61615



Individual capacity



Official capacity

Defendant No. 2

Name Midland County  
Job or Title N/A  
(if known)  
Shield Number N/A  
Employer N/A  
Address 330 W. Ellsworth St.  
Midland, Michigan 48640  
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Doctor Chellam  
Job or Title Doctor  
(if known)  
Shield Number N/A  
Employer ADVANCED CORRECTIONAL HEALTHCARE, INC.  
Address 3922 W. Baring Trace  
PEORIA, IL 61615  
☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name N/A  
Job or Title \_\_\_\_\_  
(if known)  
Shield Number \_\_\_\_\_  
Employer \_\_\_\_\_  
Address \_\_\_\_\_  
☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

EQUAL PROTECTION CLAUSE that GUARANTEES OUR SAFETY BY the CONSTITUTION.  
 Equal Protection of LAW from the APPARENT DANGERS of Covid-19.  
 THE right to BE TESTED for Covid-19, AND THAT ALL OFFICERS ARE  
 TESTED; ALONG WITH ADMINISTRATION OFFICIALS; AND MOST IMPORTANT  
 ALL THE KITCHEN STAFF THAT PREPARES THE FOOD TO ENSURE THAT  
 THEY NOT CARRIERS AND SPREADING IT IN OUR FOOD, BUT OTHER INMATES  
 THAT HANDLE OUR FOOD, 5th, 6th, 14th AMENDMENTS.  
 THE right to HAVE A MASK TO WEAR, AND OUR LIVING AREAS AND DAY  
 ROOMS, PHONE, KIOSK, SHOWERS CLEANED WITH BLEACH.  
 TO BE RELEASED FOR RESPIRATORY ISSUES, ASTHMA, C-PAP MACHINES, AGE.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

1. TO BE RELEASE FOR MAJOR RESPIRATORY ISSUES, ASTHMA, C-PAP MACHINE SAFE FROM EVEN THE POSSIBLE EXPOSURE.
2. Not testing the food steward or kitchen staff to guarantee that they are clear of Covid-19, AND NOT SPREADING TO KITCHEN HELP OR THE JAIL POPULATION AS A WHOLE.
3. THE RIGHT TO FOLLOW GOVERNOR WHITMAN'S ORDINANCE WITH SOCIAL DISTANCING AND ALLOWING US TO WEAR MASK, WASH AND HANDS WITH ANTI-BACTERIAL SOAP, CLEANING OF OUR CELLS WITH BLEACH, OUR LIVING AREA, DAY ROOMS, GYM, CLEANED DAILY WITH BLEACH, OUR PHONES, KIOSK, PLACING MANY LIVE IN DANGER, VIOLATION OF MICHIGAN RULES OF PROFESSIONAL CONDUCT.
4. ADMINISTRATION, BILLING TAKING MONEY FROM INDIGENT INMATES WHO ARE 125% UNDER THE POVERTY RATE, UPING THE HOUSING CHARGE, RAISING THE PRICES ON ALL COMMISSARY ITEMS, ALL THE WHILE REFUSING TO TEST THEIR STAFF AND ADVANCED CORRECTIONAL HEALTHCARE, INC. DENYING THE ENTIRE INMATE POPULATION ANY TESTING AT ALL. DENYING THE INMATES RIGHTS TO THE EQUAL PROTECTION CLAUSE, AND EQUAL PROTECTION OF THE LAW. VIOLATING 4th, 5th, 8th, 14th AMENDMENT RIGHTS placing high BONDS ON INMATES DURING THIS HEALTH CRISIS, PUT A TRUE FINANCIAL HARDSHIP ON THE INDIGENT INMATES AND THEIR FAMILIES. JAIL IS NOT A SAFE PLACE AND MIDLAND COUNTY HAS REFUSED TO USE ANY FUNDING AT ALL TO ENSURE TEST AND SAFETY FROM COVID.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) SLAVERY; AND INVOLUNTARY SERVITUDE! 8th AMENDMENT (1865)

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Midland County  
Midland County 75th District, 42nd Circuit.  
from the Beginning of the Covid-19 Pandemic until now.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Midland County Jail; IN Midland County  
from Feb, 2020 - May 2020

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Feb - 2020  
MAR - 2020  
April - 2020  
May - 2020

weekends  
weekdays  
Business Hours.



D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) **MAJUMIN SE.**

Midland County.

1. No mask given, No gloves for cleaning, No antibacterial soap, No social distancing.
2. No Bleach to clean surfaces, No testing of the Jail staff, No test have been done on the food stewardess, or administration staff.
3. The phones, visiting machines, kiosks are not clean with Bleach.
4. 4th, 5th, 6th, 8th, 14th Amendments Violations By 7th District, and 42nd Circuit Courts No Bonds, for the sick or medical Bonds for inmates with Major Health issues regarding Respiratory issues, Asthma, C-Pap machine these inmate are not safe, and everyday goes by results in cruel and unusual punishment, No test have been given to ensure that Covid-19 is not being spread or brought into the Jail By staff or administration.
5. Commissary Items prices jacked sky high, no debt relief at all Midland County regardless of the ordinance Governor Whitmer signed there has still not been no testing of Midland County staff that go in and out of the Jail; Advanced Correctional Healthcare, Inc has not brought forth the urgent medical needs to Jail administration, or the courts to ensure the safety of those with Respiratory issues, asthma, High Blood Pressure, not one nurse that has come into contact with inmates in general population has been tested for Covid-19.
6. The Courts using Racial Prejudice, and Judicial Bias giving out unreasonable high Bonds, and in some cases no Bond at all, so if an inmate was on a C-Pap machine, or had severe asthma with no Bond no testing, no mask, no gloves are being giving a death sentence. Bottom line Jail is not a safe place right now when Midland County and Advanced ~~Healthcare~~ Correctional Healthcare refuses to use any funding for testing, mask, gloves, cleaning products like Bleach.
7. With more than 95% of the inmate population 125% under the poverty rate, no family visits, Attorney visits, places a lot of Mental, Emotional, Financial, and Spiritual Psychological Pain and duress.
8. Deprived of Competent Legal Representation due to the Health Crisis, Deprived of excessive debt collections By Midland County, Deprived of Competent healthcare, and hospital treatment, a clean safe environment from Covid-19, and staff that could be possible carriers. Free from complaints being dismissed for lack of subject matter Jurisdiction pursuant to the Courts Authority established in Apple v. Glenn.
9. The Right to Equal Protection clause, and Equal Protection laws guaranteed by the Michigan Constitution. The Right to wear a mask and gloves and have a Bond on P.R. Bond on either do to Respiratory issues, and the County and Advanced Correctional Healthcare, Inc. to following the Governor's ordinances and issue mask and Covid-19 testing and safe, clean, germ free environment. How can anyone focus on any legal matter when there health is always in danger?



## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

DEEP Psychological, Mental, Emotional and spiritual pain and distress.  
 Covid-19 testing, gloves, masks, mal treatment, Deliberate Indifference,  
 Gross Neglect of Duty No Bleach, No social distancing. MALFEASANCE Not protecting  
 our Health, Civil Rights, Apparent Danger from Covid-19, Respiratory issues, High  
 Blood pressure, Heart problems. Chronic Care needs neglected.  
 Brain damage lack of oxygen to the Brain, NO treatment for Asthma, NO Bacteria cleaning  
 of C-PAP machines. Fed spoiled food, colds, Headaches, Fevers, chest pains.  
 Never got any Diagnostic testing done, medical malpractice.  
 UNSAFE living Conditions, Negligence Per se.  
 Malicious Abuse of the Legal Process. Racial Polarity.  
 Malicious Prosecution during the Healthcare Crisis.  
 Psychiatric torture, distress, Derlict of Duties.

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1. Diagnostic testing of All inmates, staff, Kitchen workers, Administration for Covid-19, Medical Releases for Major Respiratory issues, P.R. Bonds
2. MASKS, gloves, Bleach, cleaning of each Pod with Bleach daily. More family visits, tablets, debt-relief until the Health Crisis is over.
3. P.R. Bonds or P.R. tether Bond for those with Respiratory Issues, C-Pap machines, Asthma, High Blood Pressure, old age.
4. \$100,000 for each inmate for pain and suffering; Psychological treatment from a competent consultant, \$500 a day until all issues are addressed.
5. Petition for a temporary injunction to Bar all state and Federal inmates from continuing current and further probationary punishments, and neglect until the case is solved; E-cigs, tablets for visits, reimbursement to all the inmates accounts that had money taking from them during this Health Crisis, and Covid-19 Pandemic, Random drug test By hair follicle on all staff and Administration, Access to law library through the Securus system, And Home wave to Bring inmates Back into contact with family.
6. Make Certain that all the Prisoner's full Constitutional Rights are protected, And Add Anti Bacterail Soap to the indigent kits. Liberty Interest restored.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Midland County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

I filed with Advanced Correctional Healthcare, INC.

2. What did you claim in your grievance?

Deliberate indifference  
Apparent Danger from Covid-19  
Gross Negligence By Advanced Correctional Healthcare, INC.  
MALFEASANCE - Not obeying the Governor's ordinance,  
AND NOT protect us from staff or Administration members who  
HAVE NOT BEEN tested.

3. What was the result, if any?

No Response At All.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Wrote to the NEWS AND MEDIA .  
Beg for MASK, gloves, testing, BLEACH,  
Nothing.

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N / A

5. Approximate date of filing lawsuit

N / A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N / A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N / A

#### IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: MAY 17, 2020.

Signature of Plaintiff

Gary O. Derrick PRO SE

Printed Name of Plaintiff

Gary Odell Derrick

Prison Identification # 103775

Prison Address 105 FAST ICE DRIVE

MIDLAND

City

MICHIGAN

State

48642

Zip Code



**Additional Information:**

PLEASE

SEE  
Attached /

Corby O Derrick 909367  
105 Fast Ice Drive  
Midland, MI 48642

*Return to Corby O Derrick*

*Encl*

51870DP

United States District Court  
For the Eastern District of Michigan  
Office of the Clerk  
1000 Washington Ave.

Bay City, Michigan

48708

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